

F. R. Goringall, Esq.
With the regards of the Author.

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1839

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ERRATA.—On the fourth page, 9th line, for “less than half a million,” read less than fifty million dollars



AN
ADDRESS

DELIVERED BEFORE THE
DEMOCRATIC CITIZENS

OF
PLYMOUTH COUNTY, MASSACHUSETTS,

AT
EAST ABINGTON,

JULY 4, 1839.

BY SETH J. THOMAS.

BOSTON:
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A D D R E S S .

WE are assembled, fellow citizens and brethren, to celebrate the anniversary of that epoch in the history of the world, when it was first published as the sentiment of a whole community, that all men are created equal, and that governments derive their just powers from the consent of the governed. The incident is worthy to be celebrated,—not only in our own country, but wherever the heart beats to liberty, and man feels that he is man. Almost all political events, however illustrious, have soon lost their power to interest, and men have ceased to celebrate their return. But not so with the event we are here celebrating ; for on this day the people of our country asserted a principle—a living, immortal truth—a truth which is constantly becoming more manifest and more generally appreciated. Each succeeding year adds, and must continue to add, to the value of the blessings which the declaration of our national independence conferred upon the world, and it will be celebrated with new delight when the whole family of nations shall be emancipated, and despotisms and monarchies exist only in the memory of man.

It is now but a little more than sixty years since the declaration was made ; and what immense consequences have flowed from it ! What mighty changes, what improvements have already taken place in the physical condition of the country, and in the political and social condition of the people ! We were

then only a few feeble states ; we are now a powerful nation ! We were then only about three millions of people ; the three millions have now become seventeen millions ! In the course of the last half century, our territory has been extended ; the number of our states doubled ; the products of our soil and our manufactures have increased to a wonderful extent. During the first two years of General Washington's administration, the whole value of our exports was less than half a million of dollars ; our exports, during the last two years, amounted to about two hundred and twenty-six millions of dollars ! The most rapid improvements in the arts and in literature have been constantly going on ; the mighty hills and plains of our country, then unexplored, are now clothed with flocks and herds, or waving with the promise of a glorious harvest for the husbandman ; an immense wilderness has been redeemed from barbarism, and become the abode of industry, civilization and religion ; and cities, with their intelligent and active thousands of people, have sprung up, where, at that time, the foot of the white man had not trod :—education is diffused generally among the people ; the number of newspapers, periodicals and books,—and readers,—as compared with the whole population, is great, beyond all former example ;—the standard of morality has been raised ; the vice of intemperance, at least, it is believed, has diminished among us ; many aristocratic features in our system of government, which our ancestors copied from the old world, have been extirpated, and the general tendency of legislation has been toward equality of conditions and the greatest happiness of the people.

Such are some of the consequences which have flowed from the declaration of our national independence. Manifest, also, are its influences upon foreign nations,—in their institutions, their systems of education and their laws ; but a further—a complete triumph, awaits the principles it embraces.

It soon awoke France from her slumbers, and

stimulated the people of that country to emulate our example. The spirit of liberty spread until it pervaded nearly the whole European continent ; but the great mass of the people wanted knowledge and virtue to carry out the idea they had but imperfectly formed, and their endeavors were only partially successful. Other efforts, under better circumstances, will lead to better results ; and the news that has recently come to us from that side of the sea, leaves no room to doubt that it will not be long before those efforts will be made.

The people of Europe are now repeating the truths expressed in the declaration, with an earnestness and a boldness which give assurance that they understand and feel their true weight and force. At a dinner recently given to Joseph Hume, at Bristol, in England, which was numerously attended, one of the regular toasts, prepared by the committee of arrangements, was, “ *The people—the true source of all legitimate power.*” And in offering this toast to the company, Sir Edward Codrington, who presided, said, he conceived that every man, tolerably well acquainted with politics, would at once admit, that all power was derived from the people, and that, if the people of England said they would have no sovereign, but a republic, they had a right to make the change.

In England, moreover, a numerous and powerful party has recently been organized under the popular name of Chartist,—its members having signed and pledged themselves to a charter, or declaration of rights, in some respects similar to our declaration of independence.

The great problem, which the men of this age, everywhere, are engaged in solving, is POLITICS ; and wonderfully will the light of education, now dawning upon mankind, aid in the solution. That light is like the sun in his rising—it will soon shine on all ; and who does not know, that the irresistible tendency of general education is to democracy.

Everywhere men thirst for knowledge, and the thirst must be satisfied ; to restrain it would be far more difficult than the enforcement of all the license laws ever enacted. It is impossible. The spirit, the feeling has been awakened, the flame lighted, and its spread cannot be prevented ; it will become universal. There will soon be no bounds beyond which education will not pass. The press will find its way to the dwelling of the most obscure laborer ; and as it comes to him periodically, he will seize it with alacrity and delight, though at the cost of immediate personal comforts. It is a fact, related by Mr. Bowring, that the operatives in many of the factories in England, will relinquish one meal a day for the sake of saving money enough to purchase a radical newspaper. And that knowledge of metaphysics, even, which half a century ago was possessed only by the “ philosophic few,” is now largely partaken of by the “ improving many.” The facilities of communication, which are yearly increased between foreign countries, as well as between the people of the same country, will do much for the diffusion of knowledge. The people of other countries, who have been accustomed to look with dread upon a republican system, as tending to anarchy, will visit us, acquaint themselves with our system of government, our institutions, and the social and political condition of the people, and see things as they exist among us. We shall commune with them ; the governments of the one, the few, and the many, will be brought into open contrast ; and who among us has not forecast enough to see the issue ?

“ He who does not see,” says an eminent American writer, “ that knowledge, having once gone down among the people—which it never did before—will *never* turn back ; and he who does not see, at the same time, that the spread of intelligence *must* sooner or later break down the entire system of unjust favoritism, whether in church or state, knows nothing of human nature. * * * * The mighty

power that is rising in the world is intellectual power ; and the one engine that is to take precedence of guns, and battlements, and armies, is the PRESS. The great age of educated human nature—not of educated upper classes alone, but of educated *human nature*—is commencing. But instead of giving this mighty element the chief place in the problem of the future, men are speculating about visible forces and agencies ; about the power of armies, the strength of dynasties, and the barriers of *caste*. It is all in vain. It must be in vain, unless human nature shall be radically changed. * * *

It is as if a man should dispute—against the sun. Doubtless there will be disputings and railings. There will be checks and disturbances, attending this great progress of things, like the chills and storms that wait upon the advancing steps of spring. Many a blast from the winter of ages gone by, will sweep rudely over the blossoming hopes of the world, and threaten their destruction. The course of things will not be peaceful. The elements of the world will be in conflict. There will be overshadowing clouds ; there will be many ‘ a raw and gusty day ; ’ the long imprisoned waters will sometimes burst forth in desolating floods. There will be oppositions and struggles in society ; the rage of kings, and tumults of the people ; but through all these the great year of the world will advance ! And no man can doubt—all agitations, and excitements, and trial notwithstanding—that a progress of things so inevitable, based as it is upon the very principles of human nature ; springing as it does from such certain theoretical truths ; involving such unquestionable rights—a progress whose origin is education, whose element is freedom, and whose cause is humanity—must, with all its difficulties and dangers, be a progress to good. To doubt it, would be to doubt the providence of the Ruler of the world.”

If, fellow citizens, such be the inevitable tendency of the age ; if democracy is to become universal ;

if the tree which was first planted here, in the soil of the Pilgrims, and whose first bud of promise opened to the world sixty-three years ago to-day, is to spread out its branches until it overshadows all civilized communities ; the speaker of to-day knows of no way in which he can more properly or more profitably engage your attention for an hour, than by attempting to show what is democracy itself—this tree, which is to attain unto such wonderful excellence—and which of the two great parties into which the community is divided, it is, that has watered and cherished it, from the first, and now assembles under its shadow to pay its offering to God and Liberty. Indeed, the speaker has no choice left him ; no other course or subject would be consistent with his duty or with the occasion. He would be unjust, also, to his own feelings, did he not now acknowledge the high gratification which it affords him to join with his early friends—many whom he sees before him his school companions—now for the first time in the course of a residence of seventeen years in a neighboring county, in celebrating this day of promise. Together, then,

“ Let us beat this ample field,
 Try what the open, what the covert yield ;
 The latent tracts, the giddy heights explore
 Of all who blindly creep, or sightless soar ;
 Eye nature's walks, shoot folly as it flies,
 And catch the manners living as they rise ;
 Laugh where we must, be candid where we can,
 But vindicate the ways of God to Man.”

The term DEMOCRACY is generally used as signifying that particular form of government in which the people, or a majority of the people, possess the supreme power—that is, are sovereign. The true idea of democracy, however, comprehends something further than this ; it embraces a principle which lies deeper than the mere forms of government—a principle which is the end of government ;—the principle is, the general good, or the greatest happiness ; and this involves the principle of JUSTICE. Government is but an instrument to secure to the peo-

ple the enjoyment of this end ; and the very reason why the republican form of government is preferable to all others is, that, in its practical operation, it is most conducive to the happiness of the greatest number of individuals ; for,

“ Ignorance is bliss,
 ’Twere folly to be wise.”

If people are as absolutely happy as is compatible with humanity, as slaves, we may spare ourselves all further trouble about emancipation. But no argument is necessary to convince the people of our country that it is not so. Our own republican government can never be entitled to the appellation of a perfect democracy, until the right of suffrage becomes universal—for the people can in no way exercise sovereignty but by their suffrages, which are “their own will”—and not, then, can it truly be said to be a perfect democracy, except in proportion as it is administered with a view to the end for which it was instituted.

Property qualifications in a state, are inconsistent with the idea of democracy ;—equality of rights, universal suffrage, being one of its fundamental principles. A state in which the right of suffrage is not free, is an aristocracy—the supreme power being lodged in the hands of a part of the people ; or rather, a part of the people being precluded from the exercise of sovereignty. Such is the fact with some of the states of our union. Massachusetts, by the progress of free principles, has obliterated from her statute-book, this reproach upon the intelligence of her citizens ; and, whatever may be said of the badness of her policy in other respects, in this, at least, she is democratic.

While, therefore, the essence of democracy does not consist in a republican form of government, that form is essential to the realization of the great end to which I have referred, viz : the sovereignty of justice among the people ;—and it is the general knowledge of this fact, as I have already intimated, that

is at the bottom of the revolution which is now going on in the world. The rule of conduct, set up among the people in a republic, is necessarily of a better sort than that found in any other form of government; they adopt better maxims. Under a despotic government it is only necessary that the people fear the sovereign; *fear*, then, is the standard of duty in education under a despotism. It is not the virtue and intelligence of the people that sustains the government, but the physical force which the prince can command; hence, virtue will not be set up as the rule of conduct in a despotic government. There, education is, in some measure, worse than needless; to impart knowledge, as we have seen, would be to take away fear, and the government would thus begin with making a bad subject, with a view to make a good slave.

Neither is any great share of virtue necessary under a monarchy. There, the duty of the subject is honor; it is, then, reverence for institutions and the established order of things, which is the rule of education in a monarchy; and this reverence is, of course, perfectly compatible with a lack of virtue. As education in a despotic government tends only to debase the mind, so, in a monarchy, the education imparted tends only to raise and ennoble, without actually informing or strengthening it. "In a monarchy," says Montesquieu, (who wrote under a monarchy,) "the virtues men are taught are less what they owe to others, than to themselves; they are not so much what assimilates us to, as what distinguishes us from, our fellow citizens."

In a republic, virtue among the people is absolutely indispensable. Here every man feels that he has a share in the state; he feels himself part of the government; and since all know and feel that government rests upon the consent of all, and must be administered with a view to the welfare of all, there will necessarily, be prudence and effective benevolence in its administration; morality will be the standard

of education. And morality, said Jeremy Bentham—and he uttered an eternal truth—is the rule of conduct, which, if generally pursued, would produce the greatest amount of happiness.

Other standards of education and duty than these may be set up under these several forms of government ; under the two former, as we know, the people are now setting up other standards ; but, I repeat, the inevitable tendency will be to annihilate the forms and change the character of the government. Educate all men thoroughly, and where, think you, would be slavery ? Diffuse knowledge generally among the people, and there would be no government but that of the people themselves.

If this view be correct, no democrat can declare that, “ we live under the worst government upon the face of God’s earth.” All must acknowledge that we have an excellent form of government—beautiful, written constitutions, state and federal—capable, indeed, of improvement, as circumstances change and the people increase in knowledge, but well designed and framed to promote the general welfare, and to secure the blessings of liberty to the whole people.

Both these constitutions guaranty to the people the right of trial by jury, the liberty of the press and the freedom of religion. The different branches of the government under each, “ have their respective orbits prescribed to them and are forbidden to overstep them.” The masses are protected from the ambition of the wealthy and powerful, and each individual citizen from the intolerance, oppression and injustice of the majority. The rights of property are respected and guarded ; equal rights are guaranteed to all, and exclusive privileges are confined entirely to those who may have rendered peculiar and essential services to the public. Does an aristocracy seek to deprive the people of their just rights ? the people have a remedy under our constitutions. Do the many invade the rights of property and seek unjustly to deprive the few of their wealth ?—

a thing never known among us—the constitution is a shield and protection against such an invasion. When faithfully administered, each citizen is secure in the enjoyment of his natural rights, and the rich and the poor alike find protection beneath its ample folds.

It was a government having in view these beneficent and wise purposes, that Mr. Jefferson, at the head of the movement party of his time, earnestly endeavored to establish when we had thrown off allegiance to Great Britain. He was the very first writer in the country to give an impetus, by the framing of democratic constitutions, to that powerful movement of the masses toward a better social condition than had before existed.

It is alleged, in an address delivered before the Historical Society in the city of New York, by the representative in Congress from this district—which address has just been published—that the state rights republican party were opposed to the adoption of our federal Constitution. But this statement does not truly present the case. The people of our country had just then come out of the war of the revolution. They had come out of it with imperishable honor; but oppressed with the debts of the union, with the debts of the individual states, of the towns, and with their own private debts; and they were utterly unable to discharge any of these, from the best of all causes, the want of pecuniary means. The burdens bore with peculiar severity upon the poorer classes of the people; because, from the customary system of taxation at that period, one third part of the whole was assessed upon the ratable polls alone. The application of judgment and execution, in the case of private debts, served to increase the general distress; and the neglect of a suitable relaxation of the judiciary power, particularly in the eastern states, led to the most serious consequences. Tumultuous meetings were held in New Hampshire, Connecticut, and in other places:

and in Massachusetts, an insurrection arose which, although it might now, perhaps, be called by the whig papers only a "*gentlemanly mob*," was then considered so serious a matter as to menace the very foundations of government. The public credit was destroyed ; commerce had been interrupted, and had not then sought out new channels ; Congress had no power to restore the one, or regulate the other ; and the insufficiency of the confederation was apparent to every body.

It was under these circumstances, that the convention was held to consider and determine upon the federal Constitution. The disturbances which had grown out of this peculiar state of our affairs, naturally excited a distrust of the principles of a republican government, even among some of its most sanguine friends ; while with its enemies,—and there were many among us,—the intelligence of these events was hailed as a happy omen of the downfall of the republic ; and no occasion was neglected to urge these scenes as an argument against the capacity of the people for self-government. At this period, Mr. Jefferson,—the acknowledged head of the republican party,—was in Europe, negotiating treaties with foreign nations ; but his correspondence, which has been handed down to us, proves, that he was then the ardent friend and advocate of precisely such a federal Constitution as we now have,—with the bare exceptions that he wanted inserted an express prohibition of monopolies, and a declaration against the perpetual re-eligibility of the president ; and as to these, it would have been found as difficult to define monopolies as it has been to prevent them ; and the latter suggestion of Mr. Jefferson has now in fact the force of law, through the example of Washington and himself.

The republican party in the convention generally opposed the Constitution, not because they were opposed to such a federal Constitution as we now have, but because it did not then contain those

democratic provisions which were afterwards adopted as amendments, and which time and experience have shown were essential to secure the people in the enjoyment of their just rights. The original Constitution contained no express provision, guaranteeing the freedom of the press—the right of the people peaceably to assemble for a redress of grievances, or declaring against any law for an establishment of religion. The right of the people to be secure in their persons, houses and papers ; against unreasonable searches and seizures, was not expressed, the full benefit of trial by jury was not enjoined ; and it was not said, that “ the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved respectively to the states, or to the people.” These were the salutary provisions for which the democratic party in the convention contended, and which Mr. Jefferson had suggested, and they were all adopted at the instance of Mr. Madison, by the first Congress which assembled under the Constitution, in 1789. The adoption of these amendments was a complete triumph of the democratic party ; and the Constitution as it now stands, is the Constitution for which, from the first, the republicans contended. On this point we have positive and direct testimony. In a letter to Mr. Madison, and in another to Col. Humphreys, while the Constitution was under consideration in the convention, Mr. Jefferson mentions these very provisions as highly essential ; and in a letter to Gen. Washington, written afterward, he expresses his regret that they had not been incorporated with the original ; but advises the adoption of the Constitution, by the states, without them, as “ an excellent canvass, which wanted only a few more touches by the painter.” His wish was that the people might be left free indeed, and in full possession of the valuable rights which they had fought to obtain. “ My own general idea,” he said to Washington, “ is, that the states should preserve their sovereignty in what-

ever concerns themselves alone ; and that whatever may concern another state, or any foreign nation, should be made a part of the federal sovereignty.” And the debates in the convention which adopted the Constitution, fully establish the fact that such were the opinions of the republican members. Such, too, we know, are principles of the existing Constitution. When, therefore, the author of the address which I have mentioned, would have people infer that the republican party were opposed to the Constitution as it now is, he would have them infer that which is not true.

Your representative in Congress has also a most singular method of proving his consolidation doctrines. He says, the principles of the Constitution were first incorporated in the declaration of independence ; that they were departed from in the confederacy, and were re-incorporated in the Constitution ; that the declaration does not recognize state rights, but one people, and that since the states did not obtain their sovereignty by the declaration, they possess no sovereignty under the Constitution.

Now, admitting that the principles of the Constitution are essentially those of the declaration, Mr Adams may be well answered, I conceive, by saying, that Mr. Jefferson, being the acknowledged author of the declaration, ought to have known its import, and his opinion of the Constitution, given at a late period of life, when he could possibly have had no purpose to serve but the good of his country, was, that the states are NOT subordinate to the federal government ; “ Foreigners,” said he, “ err in supposing such the case.” “ To the state governments are reserved all legislation and administration in affairs which concern their own citizens only, and to the federal government is given whatever concerns foreigners or the citizens of other states ; *these alone being made federal.* The one is the domestic, the other the foreign

branch of the government ; neither having control over the other, but within its own department."

But I may go further, in reply to your representative. The declaration, as you undoubtedly observed to-day, spoke in the name of the REPRESENTATIVES OF THE UNITED STATES OF AMERICA in Congress assembled ; and it related to the intercourse of the states with the government of Great Britain. It came strictly within the remark made by Mr. Jefferson, afterward, that to the United States it belonged to do whatever was needful to be done relating to foreign governments. It had no relation whatever to internal concerns ; and to have spoken of state sovereignty, would have been entirely out of place ;—and no man knows this better than Mr. Adams. Having laid down the foundation for all good governments, and set forth the usurpation and injustice of Great Britain, the declaration concludes—"We, therefore, THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA," &c. &c. The declaration could have had no more reference to state sovereignty than this, without a departure from the purpose of its signers.

Mr. Adams asks—with an air of triumph which seems to imply that the inquiry is to silence forever, the advocates of state rights—where did each state get its sovereignty ? If not in the declaration, where did they get it ? But no one, possessing a tolerable familiarity with the early history of our government, need be at a loss to answer the inquiry. Every body knows that the people of our country enfranchised themselves ; they usurped sovereignty from the mother government. Before that, she was the sovereign : and when she had been compelled to acknowledge the states free and independent, the question arose with the people as to what sort of a government should be instituted. And instead of one consolidated government, it was decided, and most wisely decided, by them, to make the federal government one of limited powers, and to leave the exercise of sovereignty with the states.

“In a large republic,” says the *Spirit of Laws*, “the public good is sacrificed to a thousand views ; it is subjected to accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen ; abuses have less extent, and of course are less protected.” Such was also the opinion of those who instituted our government. They not only feared the despotism of the few, but the despotism of the many ; and believing that, in a small republic, the rights of the weaker portion of the people would be less disregarded, because here they can make themselves heard, and their wrongs will be manifest, they formed a union of separate and independent states. The generation of which I am speaking apprehended, and wisely guarded against, the tendency to the very doctrines which Mr. Adams would have us believe they left us as an inheritance.

The purpose of the DECLARATION was to absolve the people of the states, then and thereafter, from all allegiance to the British crown ; that of the CONSTITUTION, to establish a government of the people, when their independence had been acknowledged. As to the states usurping the sovereignty of the people, of which Mr. Adams speaks, that is all nonsense and moonshine,—and there is hardly moonshine enough to light the ex-president through his labyrinth of sophistry. Nothing is usurped from the people. They are still, thank God, the source of all political power here ; they may alter their state constitutions as they please,—only preserving a republican form of government. The legislature can pass no law that may not be repealed by a succeeding one ; and the executive, after a year’s service, may be sent back a private citizen, as powerless as before he assumed office. The judiciary is the only branch of our state government possessing any sovereignty, and that would possess none, were the proposed measures of the democratic party adopted. The people have merely chosen to exercise their

sovereignty through the state governments, rather than by one general government. Is the exercise of sovereignty by the one any more inconsistent with the sovereignty of the people, than its exercise by the other ? Or, if this exercise has not been given to the states, where and when and how was it given to the federal government ?

Again : Mr. Adams says the people were not consulted about this state sovereignty. 'This also is an error. That the people were not satisfied with the original Constitution, Mr. Adams is compelled to admit. It was barely adopted by the states ; and what did the people immediately do ? Elected members to Congress under the Constitution—and those members, fresh from their constituency, expressing the will of the people, amended the Constitution by incorporating the article, which says, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people !" And if there had been any doubt before as to which government sovereignty belonged to, and which was a government of merely limited powers, all men of common sense must see, and men of common honesty admit, that there has been none since. It would be folly to follow the ex-president further ; for it is evident that sovereignty rests with the people ; and that its exercise, being expressly prohibited to the federal government—except in a few cases—necessarily belongs to the states.

Having wandered from the purpose of my discourse, in the pursuit of Mr. Adams, I must return to the convention, and recur for a moment to the principles of the federal party, whose leader and head was Alexander Hamilton. This party contended that a democracy was impracticable—that a government of the people was chimerical ; and to sustain this their position, cited the insubordinations to which I have referred. They were for approximating, as near as possible, to the theory of the Brit-

ish Constitution. Hamilton probably carried his views of monarchy somewhat further than his followers ; he advocated a president and senate during good behavior,—that is, in effect, for life,—and the appointment by the federal government, of the governors of the states, with a veto on state laws. They had, or affected to have, no confidence in the people ; and they wanted a strong consolidated government, which would coerce the people into submission to the authority of their rulers, whether right or wrong. A striking illustration of this coercion is to be found in the history of the rebellions, which occurred in many of the states, and especially in Massachusetts, near the period of the adoption of the Constitution. Instead of removing the causes which induced the rebellions, the whole attention and strength of the government was employed in a rigorous execution of the laws ; and the government finally succeeded ; but it succeeded only at great and unnecessary cost, and its triumph was not that of justice. Indeed, it did not aim to dispense justice, until the weaker portion of the people were compelled to submission—that very portion for whose protection government is instituted. The people demanded justice, and no more than justice. They asked for the abolition of useless offices, for retrenchment in the expenses of the government, and an amelioration of a system of taxation, with the requirements of which they were utterly unable to comply, and they were answered by a suspension of the *habeas corpus*.

At first, Hamilton and his party in the convention were opposed to the adoption of the Constitution. But he afterwards saw a way open under it, to accomplish his cherished purposes, and himself and Mr. Jay became the strongest advocates for its adoption. What that way was, we may learn from his policy as the first secretary of the treasury, as well as from his own statements ; indeed, it has been manifest in most of the acts of the federal party

from that day to this. He beheld with the federal government an unlimited power of taxation : and his idea was to pursue a line of policy in the administration of the government, which would bind the wealthy and powerful class of society, through their interest, to the support of the government : and by this means, and the aid of the judiciary, which, when fairly installed in office, he foresaw would, in fact, be responsible to no authority, he expected to annihilate state rights, and to establish, in effect, one single strong consolidated government. In a word, his method to accomplish his great purpose was, to corrupt a share of the people by government patronage, to government views : and to control the rest, through the aid of the judiciary. Such were the views and hopes of the federal party in the outset of the government.

In a conversation with John Adams, in reference to his *beau idéal* of Government, the British Constitution, Mr. Hamilton said, take away its corruption and give to it an equality of representation, and it will become an impracticable government : as it stands at present, with all its supposed defects, it is the most perfect government which ever existed. And long after the adoption of the Constitution, Mr. Jefferson remarked of Hamilton, that he was for an hereditary king, with a house of lords and commons, corrupted, by executive patronage, to his will. And this might have been attained, in effect, under our Constitution, as when first adopted, and before the salutary practice of the president to retire after eight years service had been entered upon.

The first great measure of Hamilton, in the line of his policy, after the adoption of the Constitution, was, the institution of the funding system : by which the federal government assumed an enormous debt : the effect of which was, in part, to draw off the attention of the people from the states, and to fix attention upon the federal government. The next measure was the issuing a treasury order, directing the re-

ceipt of bank notes into the treasury, in payment of government dues. The next was the institution of a national bank, by which the wealthy class obtained the control of the monied operations of the country, and by its agency and other measures of the federal school, at last well nigh obtained the control of the government itself. The next measure was internal improvements, by which the government patronage was to have been augmented to an indefinite extent; and after that measure came the protecting policy. These were the principal points in the creed of the federal party. The influence of this party was so great that it succeeded in the election of Mr. Adams as the successor to Gen. Washington; and, to complete the purposes which they originally had in view, they then passed sedition and alien laws; the former of which made it a crime to utter or publish anything, "calculated to bring the president or either house of congress into contempt or disrepute," and thus effectually restrained the liberty of speech and of the press; and by the latter, the president had authority to send all foreigners out of the country; not an alien could remain, if the president saw fit to enforce his authority, without his *license*, and that license liable to be revoked at any time during the pleasure of the president; and the alien to reside at such place as the president thought proper to designate.

These sins against liberal ideas, and most manifestly against the plain principles of the Constitution, were more than the people would bear; they had but too recently escaped from the despotism of the old government to sit down quietly and submit to such oppression and injustice under the new; and they just turned out the British president and the British party, and elected a president whose principles were in accordance with their own.

On the day that Mr. Jefferson was inaugurated president, the sedition law expired, by limitation. The next congress which assembled, contained a

majority of democrats in both houses, and with the new president, they entered on the work of reform. "A system of federal courts, established within the last few days of the Adams dynasty, and filled with federal judges, was abolished," and the judges, not having received their commissions, lost their offices by a repeal of the act under which they were created. The expenses of the previous administrations were lessened, by the abolition of sinecures; the army was reduced; the militia encouraged; the rule of specific appointments adopted; barriers around the sovereignty of the states and the liberties of the people, against the encroachments of federal authorities, were multiplied; in short, the government was brought back to the principles of the Constitution. Still, the opposition clung with tenacity to their policy; they, however, rallied to no purpose till the war of 1812.

At the commencement of that series of aggressions on the part of Great Britain, which led to that war, the opposition demanded of the federal government resistance to the encroachments of Great Britain, either by restrictive measures or by war; they forwarded to Congress spirited memorials from almost all New-England, and from other parts of the country, demanding of the federal government to "seek immediate redress of England for her spoliations upon our commerce, and in case she denied us, and persevered in her violations, a resistance to her aggressions was promptly required;" and the most solemn pledges of united and vigorous support were given to aid the government in any measures it might adopt for the accomplishment of this purpose. The Boston memorial was signed by the very man who was afterwards president of the Hartford Convention. Government listened to their demands, sought to settle the matter by negotiation, and appointed one of their own number minister extraordinary to the court of St. James. Negotiation failed to effect the purpose, and resistance became necessary. But

two methods of resistance were practicable—to wit, restrictive measures or war. For war we were not prepared. Restrictive measures were, therefore, resorted to. The first step in this series was the non-importation act. It was a “powerful appeal to the forbearance of Great Britain, by excluding many of her manufactures from our market ;” but the ruling powers of Great Britain were deaf alike to the remonstrance of reason and the demands of honor, and it failed. The paper blockade was immediately issued, and that was soon followed by the far-famed orders in council. These, with the French decrees, excluded us from the ocean ; Sweden alone was left with open ports ;—and to trade with her, Great Britain required that we should first enter her harbors and pay tribute—sometimes to an amount exceeding the cost of the article exported. The next step by our government, in the progress of this restrictive system, was the embargo. It probably rescued an hundred millions of our property and fifty thousand of our seamen from the ocean. It was succeeded by the non intercourse ; under which Great Britain made a treaty through Mr. Erskine, and then refused to ratify it. The last measure of resistance demanded of the government, by the disciples of Hamilton, was war.

And how did the federal party redeem its pledges to support the government in its measures ? No sooner did England begin to groan under the effects of this restrictive system, and to awaken to a sense of justice, than she received information from them that it must soon be repealed ; that our government could not enforce it ; that it would, if continued, produce a civil war, a separation of the states, and a separate government in New-England. Insurgent resolutions were passed in Boston and in several other places, and it was declared, by the very men who had asked for restrictive measures, that the people were not bound to obey the embargo. Such was the consistency of the opposition. In 1806 they

pledged themselves to support government in a war against England, if she persisted in her invasions upon our rights. In 1807, they abused government for not going to war on account of the attack upon one of our vessels by the British. But in 1812, when Great Britain had carried on her robberies on the seas for six years; taken near one thousand of our vessels, and twenty millions of our property; when we were excluded from any trade with all Europe; when more than six thousand of our people had been impressed; when our government had been insulted, our shores blockaded, and redress was peremptorily refused; under these circumstances, the same men of the opposition who had demanded war, assumed the name of "*peace party*," and denounced the war with Great Britain as "*wanton*," "*unnecessary*," and "*unjust*." Combinations were formed by the leading federalists, to prevent people from loaning money to government, and constructions were put upon the Constitution, by which the militia evaded the calls of the government. They declared the Constitution null and void, and, of course, the constitutional acts of Congress; and the federal papers called for a change in the government by revolution. An attempt was made to bankrupt the government and give a death-blow to the national credit, through the banks. The Boston banks refused to discount, hoarded their specie, and sent home suddenly great quantities of the bills of the New York banks; millions of specie were drawn out from thence and brought to Boston. The New York banks, thrown into confusion, called on the banks of Philadelphia; Philadelphia on Baltimore, and the Baltimore banks on those still further south. At length the southern banks were compelled to stop payment, and a wide scene of distress and general bankruptcy ensued.

At this dark period, the Hartford Convention was got up. It was called at a time, moreover, when the war had assumed a new and more alarming as-

pect. The treaty of Paris, which had just then been concluded, left Great Britain at liberty to employ her whole force against our country, and in her wrath she had sworn the annihilation of our government. While the convention was assembling, and in session, an invading army was ready to break in upon our northern frontier, and open a winter campaign; our atlantic shores were threatened with sword and desolation, and a part of New England in actual possession of the British troops.* On the south, a strong navy and land force was in preparation for an attack upon New Orleans, whose capture would have destroyed the commerce of the western country, and exposed that part of our territory to invasion and plunder; our government on the verge of bankruptcy, and our own section of the country on the borders of civil war. It was at this gloomy crisis that a convention was called—not to concert measures to meet the common enemy—but, according to the declarations of its members, to alter our national Constitution. The lapse of time has left no doubt that this convention was really got up to destroy the union and the Constitution, and to bring about the sort of government which Hamilton had endeavored to institute. Another session was to have been held, but, meanwhile, peace came and defeated their plans.

The glorious termination of that war was a blow to the federal party, from which it did not recover for a long time afterward. It was, perhaps, unfortunate for the country that its internal enemies, the federal party, were then so signally prostrated; for, at the close of the administration of Mr. Munroe, the democracy had given up its organization, in a great degree lost its zeal and energy, and was much divided upon its presidential candidate. It was in consequence of this, and a sort of legerdemain, peculiar to the federal party, that it finally succeeded in placing John Quincy Adams in the presidential

* Olive Branch.

seat, against the clear and manifest wishes of three-fourths of the people of the country. And although he declared that it would give him great pleasure to submit the decision of the question again to the people, there were probably, alas, but few men in the country who had charity enough to believe the declaration sincere; for every body knew that the decision would have been as it was four years afterward.

No sooner was Mr. Adams installed in office, than the old principles of the federal party were revived. The Constitution had given to the federal government the authority to lay and collect taxes, to pay the debts, and provide for the common defence and general welfare of the union. But Mr. Adams found power, by construction, to collect money from one class of the people—the consumers,—for the benefit of another class—the manufacturers. The great object of the tariff law of 1828, was not revenue, but protection. It was a measure by which a particular class and profession were privileged to take toll from the laboring man's pocket. It was strictly in the line of Hamilton's policy, to bind the wealthy and powerful class of society to the support of the government, through their interest. And to such an alarming extent was also the system of internal improvement, by the federal government, carried by Mr. Adams and his party, that when the bill, authorizing a subscription, on the part of the United States, for stock in the Maysville and Lexington turnpike company, passed the two houses, there had actually been reported by the committee on internal improvements, bills containing appropriations, for such objects, to the amount of one hundred and six millions of dollars.* And in addition to these projects, which had been acted upon by the committees, appropriations for others, of a similar character, had been asked for, and were then pending before the committees, to the amount of

* Gen. Jackson's Message in 1830.

another hundred millions of dollars. The judiciary stretched out its authority, and every year assumed some new and more alarming power; and every movement of the treasury department was distinctly marked, as a part of the same line of policy, which had characterized the administration of Hamilton from the first.

The people saw all this, and to what it must necessarily lead; and again they concerted, agreed and rallied,—as they had ever done before when their liberties were in danger of being subverted, and the government threatened with being changed to an aristocracy,—and they elected Gen. Jackson.

The policy of his administration is so familiar to this assembly, that I need not endeavor to recapitulate it. The firm and decided stand taken by him, soon after he came into office, in returning the Maysville road bill to the house of representatives, put an end, at once, to all these projects of internal improvement; and the same manly independence, wisdom and integrity manifested by him on all occasions, and in reference to all subjects, so far restored the government to its original purity and simplicity, that but few reforms are now necessary to effect the original purpose of its framers.

Is it then alleged, that the principles of the democratic party at this time, are not identical with the principles of the democratic party in the time of Mr. Jefferson? And does the question really arise, in the mind of any body, which of the antagonist parties is now the democratic party? It was a leading principle with the democratic party, at the time of the adoption of the Constitution, as we have seen, to make the government as simple as possible; leaving all power in the hands of the people, excepting only so much as was essential to the maintenance of good government. Precisely such is the purpose of the democratic party now. In the days of Mr. Jefferson, the democracy were opposed to all monopolies and exclusive privileges; whether by the use

of the public money, or by a control of the currency of the country and the value of all property, through the aid of a national bank, or in whatever other way. Every body knows that such is the policy of the democratic party now. In 1800, the democratic party was for restraining the judiciary within prescribed bounds; limiting the tenure of judicial offices and making the judges responsible to the people. These are some of the great objects for which the democracy of to-day is contending. It was the part of federalism, in the days of Hamilton and John Adams, to lend the public treasure to individuals for their own private use, and so corrupt a powerful and favored class, to the support of the government. This is the policy of the whig party now; and as the money cannot be constitutionally loaned out directly, they claim to loan it out indirectly, through the banks. It was admitted to be anti-democratic, in the days of John Adams, to pass the sedition law. Is it less so in the whig party now, to advocate a measure, the effect of which would have been similar? The sedition law put a muzzle upon the press, and subjected men to fine and imprisonment, if they spoke *disrespectfully* of the president or of either house of congress; the bill proposed by Mr. Crittenden, in the senate, at the late session, and advocated by all the whig members of that body, went further, and would have put a muzzle upon the mouths of thousands of our citizens, and subjected them to fine and imprisonment, if they had offered a whig a democratic vote, even in the most gracious manner possible.

As the federal party endeavored to restrict the right of suffrage in 1780, and to found government on property in 1820, and to prohibit the mechanics and husbandmen from laying their "huge paws" upon the statute book in 1834, so did the great part of the whig party, in the legislature of 1839, oppose the principle of the population basis of the senate; and when that matter was under consideration in

the house of representatives, a leading whig member* declared, that this theory of population basis and free suffrage, would do very well for people who had no property, to talk about, but those who had any thing at stake in the state, must be insane to advocate it. As the federal party, in 1812, opposed the government and took the side of the enemy in its war-measures with Great Britain, so the whig party, in 1836, opposed the government in its controversy with France. In 1813, the federalists did all in their power to destroy the credit of the government, and then accused it of being bankrupt. Did the whigs do less than this in 1838, when they refused to make any provision to meet the demands upon the treasury, and their presses were teeming daily with the charge that the treasury was bankrupt—the strongest they could make against the government? In 1812, the leading federalists declared that Great Britain had done us “no essential injury,” and that it was unbecoming a moral and religious people to rejoice at the victories over their enemies; in 1836, one of the same federalists, now the defender of the whig faith, declared that he would not vote a dollar, to the discretion of the president, to save his country, though the enemy were thundering at the walls of the capitol. In fact, the identity is perfect. Again and again have they changed their names, but their principles are still the same. Federalism then, is federalism now.

—“All the water in the ocean
Can never turn a swan’s black legs to white,
Although she lave them hourly in the flood.”

It is no answer to this argument, to say that some *men* have changed. It is to be expected that some men’s opinions and sentiments and feelings always will change. All will admit that a few of the old democratic party have gone over to federalism; but they were those only who had not far to go. It is a most remarkable fact, that whenever a man has

* Mr. Choate.

been detected by this, or the late administration, in peculating upon the public treasure, or has been found unfaithful in other respects, if not whig before, he has immediately turned whig ;—see, for example, Swartwout, Price, Gratiot and Mayo ; indeed, I do not recollect an exception. Some men have stuck to the administration like bees to the hive, and professed democracy at every breath, while there was patronage and favors to be gained ; but when the patronage was exhausted, or the public had lost confidence in their honesty or patriotism, they have fallen from the support of the democratic party as leaves do fall from the trees in autumn ;—see, for example, Mr. Duane, Reuben M. Whitney, Francis Baylies, and the like. Another remarkable fact about this matter is, that those who have lost the public confidence, for the reasons which I have mentioned, are taken up and made to occupy the chief places in the party claiming all the honesty, and fidelity, and respectability, in the community ;—after Swartwout had plundered the treasury of more than a million of dollars, and had been displaced by the administration, he was nominated, at a public meeting of the whigs of New York, as their candidate for the vice presidency, and by them was recommended to the people as a man of the strictest integrity and uprightness.

It is needless to attempt a discussion of the principles of a new party, that just now sprung up in some parts of our country, and assumed the name of *Conservative* ; for, in reality, it never had any well settled and definite principles, but stood, while it stood at all, between two principles. The late election in Virginia has effectually dispersed the last remnant of that little tribe. Only one of its number is now left to write its history and recount the deeds of his companions. Such is the end of every thing that lives only by a name.

But, though the federal party has the same purposes in view now that it ever had ; though it is

looking steadily forward to the same end that it did from the first, its members rarely have the candor to avow their real sentiments ; not one of them can stand up and look democracy in the face. The men of the old federal party had, at least, the merit of avowing their principles, frankly and openly ; but their sons, the whigs of the present day, are obnoxious to the charge of disingenuousness—to use no harsher term—for it is most manifest, that while they look one way, they row the other. As they claimed to possess all the decency and order in the community, while mobbing a citizen of Boston, at noon-day, for a free and decent expression of his opinions, in 1836 ; so now, while advocating for the presidency, a man pledged to a fifty million national bank, and a protective policy, they claim to be more democratic than the democratic party. The old federal doctrines are now so well understood, and are so obnoxious to the great body of the people, that a party, openly advocating them in our country, where the right of suffrage is general, stands not even the least chance of success. The whigs have, therefore, adopted the plan of opposing every measure brought forward by the democracy, without presenting and advocating any definite measures of their own. They are now emphatically an opposition, and nothing more.* They do not rely upon any justice in their own cause, to bring them into power in the general government ; but in the hope that the administration may make a false step. Hence, we know, their extreme eagerness to fasten upon the secretary of the treasury the blame of the recent defalcations. They hoped he would turn out an unfaithful officer ; that the administration would prove corrupt ; and that, in consequence, they might obtain the control of the government. Contrary to

* Opposition to the national administration, said James T. Austin, Esq., at a whig meeting, not very long since, is the first great principle of the whig party. We have labored, said Mr. Webster, (speaking with reference to the called session of Congress, and in behalf of the whig members thereof,) not so much for the attainment of any positive good, as to prevent any thing being done by others.

their hopes, the secretary, submitting to the most thorough examination, withholding nothing from scrutiny, passed the investigation without even the slightest dishonor; and the committee, who had pledged themselves in advance to prove him guilty of corruption, after the most extraordinary efforts to redeem their promise, were compelled to retract the charge. But what if it had been otherwise? What if the secretary of the treasury, or even the president himself, had been proved guilty of corruption? Ought the government, therefore, pass into the hands of the whigs? Is the fact, that public officers are not always faithful, any argument that the cause of democracy should be abandoned? Certainly not. Democracy, as we have seen, is a great idea, a living principle; public officers are nothing—the president himself is nothing, except he identifies himself with this idea, and is the representative of this principle. Its agents may prove unfaithful and desert it, but the principle is still the same. It is this fact which is at the bottom of Mr. Van Buren's success, that every act of his public life has been tested by the standard of democracy.

Again: the opposition discuss nothing, argue nothing; they only complain. Thus, with the constitutional treasury bill, they do not reason, have not reasoned, upon the merits, the justice or practical effect of the measure. And what is quite as remarkable, few whig papers in the country have ever published the bill. Why they have not done so, every man will judge for himself; but, I submit, that the rational inference is, they fear their readers should see the bill, examine its provisions, test it by the Constitution, and learn that it is not a very fearful monster after all. If the independent treasury plan really were as bad as the opposition represent it to be, I ask every man who hears me, if he does not believe they would publish it at once—universally. No man can doubt that they would. They look around upon “the flood of prosperity flowing in

upon the country," under the practical operation of this independent treasury system, and the best possible cause of complaint they can conjure up against it, is, that Swartwout and a few others, helped themselves from the chest. But did any of them complain that our banking system was bad, and ought to be given up, when the chairman of the whig committee of public safety, at Boston, decamped with the funds of his bank? Certainly not, to my recollection.

Most numerous are the evidences that might be adduced of the lack of candor and integrity of the leaders of the opposition; but I have time left to speak only of a few.

On the boundary question, they assailed the policy of the administration from different quarters and for different reasons; some, that the president had gone too far in support of the conduct of Maine; others, that he had not gone far enough; and all alleged that its policy in that matter was good cause for a change in the government. In making these attacks upon the administration, Mr. Webster was among the foremost. He charged the government with remissness; that it ought to have settled the matter before now; and that, if he had the management of the controversy, he would settle it at once; he would tell the British government that it *must* be settled; and if it were not settled before the fourth of July, he would take possession of the territory, and say to her, "drive us from it if you can!" But, when it was apparent that no political capital could be made by that policy, and that the people saw that there was a want of *sobér* good sense in the declaration, a kind friend in New York—*no doubt, without the least pre-concert or arrangement*—addressed Mr. Webster a letter of inquiry, as to his real opinions touching the border question; at the same time remarking, he believed that the reporters had done great injustice in relating his speech. Now, it will be remembered, that the reports

of this speech were remarkably similar ; but Mr. Webster replied to the inquiry of his friend, thus : You are right, my dear sir ; the reporters have done me great injustice. I did not mean that we should take possession of the territory ; I only meant to say, the land belonged to us, and that the British government ought to give it up ; and that it ought to have given it up before now. I spoke of the fourth of July, but I did not mean that we ought to take possession of the territory next fourth of July ; oh, no, you are right, sir ; that would have been absurd, indeed. There is no time to negotiate between now and the fourth of July ; and I am certainly for negotiation, and voted to send a special minister. What I intended, when I spoke of the fourth of July, was, that if we were ever obliged to go to war with England, *some* fourth of July would be a propitious time to make the declaration.

If any thing, in the conduct of a man filling a very large space in the public mind, can appear more absurd than this declaration and explanation of Mr. Webster, when put together, I think it must be the spectacle of an American going to London to decline being a candidate for the presidency of his own country.

It is a matter too notorious to need to be proved, that the leading whigs and the whig newspapers opposed the resumption of specie payments. One or more of the whig papers at Boston, declared that it would be ruinous, both to the banks themselves and to their debtors, to resume, while this administration lasted ; and more than one of the orators of the whig party averred, in their public meetings, that the banks “ought not, could not, and would not, resume, till a national bank was instituted.” Yet, a month or two ago, in the face of all these statements, they declared that they never had opposed resumption ; but that, on the contrary, they had been foremost in advocating an early resumption. The reason for this change is obvious. With the return of specie

payments, prosperity returned ; trade revived ; commerce again reared her head ; the various branches of industry were liberally encouraged and rewarded ; and the policy of the administration, in bringing about this happy result, was commending itself to the people. The leaders of the opposition, therefore, deemed it necessary, on their part, to change ground, and declare that it was the administration, and not they, who had been hostile to resumption,—and accordingly they did so.

Nor can I perceive that the conduct of his excellency, the chief magistrate of our commonwealth, is a whit more consistent and straight-forward than that of the orators and journals who sustain him. I have, certainly, no wish to speak of his excellency otherwise than respectfully ; but I will speak my honest opinions and feelings, even though they offend delicacy. It is often said, when speaking of the lack of candor in a public officer, “we speak of him only in a political sense—as a politician, merely.” But I know of no such sense, and subscribe to no such doctrine. I hold that politics and morals are inseparable, and that, neither in the one science any more than in the other, can there be two theories of honesty—one for show and the other for use. When I see a man, while professing a great regard for the public welfare, pursuing a line of conduct most manifestly and obviously calculated to abridge the public safety and happiness, I have no more charity for him than for another who professes a sincere regard for the principles of religion, and, at the same time, destroys the happiness of his neighbor.

I am now to speak of an institution—one of the noblest and dearest to the heart of every American citizen, that has ever been established among us ; an institution too intimately connected with the glory of our country and the freedom and happiness of the people, to be passed unnoticed on this joyful anniversary—the MILITIA.

In the legislation of the federal government, in

reference to the militia, there has been a continuity of the same idea ; there has been no radical change of plan, but the purpose has been to reform the same system ; though it must be acknowledged, that but little of the much that the well-being of the institution demanded has been done. The law of 1792 directed the enrollment of " all able-bodied white male citizens of the respective states," between the ages of eighteen and forty-five years. It exempted only those employed in the service of the federal government. Its purpose was to establish a uniform militia system throughout the United States ; and it was well enough calculated to effect that purpose.

Another act was passed by Congress in 1795. It provided merely for the calling forth of the militia to execute the laws of the Union, suppress insurrections, repel invasions, and the like.

The act of 1808, made provision for arming and equipping the whole body of the militia ; appropriating, for that purpose, the annual sum of two hundred thousand dollars. And the act of 1836 was intended as a part of the same plan,—making further provision for the payment of volunteer and militia corps.

But the legislation of our commonwealth, on this subject, during the last ten years, has been capricious and without uniformity. Systems have been adopted, and before they were made perfect, or had been fairly tried, have been given up as hopeless, and some new project, but half reasoned out, even in the mind of the projector, has been substituted, only to be abandoned in the same way in its turn.

Up to about 1830, this noble institution had flourished ; and every man among us, qualified to be an officer, esteemed a commission in it as a badge of honor. Near that period it began to decline ; on one or two occasions the pulpit essayed against it ; and the then chief magistrate of the commonwealth, and probably the author of the bill brought forward at the last session—being avowedly a friend to the

institution—was looked to, by its active members, to recommend a remedy for the defects in the organization, and thus restore it to public favor.

The attention of the legislature was invited to the subject, and an act passed which greatly increased the list of exempts, conditional and absolute, and changed the character of the system, in some other respects, certainly not for the better; but it contained what, under the circumstances, was a redeeming quality. It exempted all who kept themselves armed, uniformed and equipped, and performed active duty, from the payment of poll taxes;—the members of the standing companies, not less than the light corps. This provision remained operative till the revision of the statutes in 1835. But the system had been so much impaired by injudicious legislation, and the burdens of supporting the institution bore so unequally upon the people, that it had become odious; and when the statutes were revised, a new experiment was tried. It was determined, thenceforward, to place all reliance upon the volunteer corps. The mass of the militia was given up, and a provision was inserted in the law, giving the members of volunteer companies five dollars a year each, on the same conditions they had been exempted from poll taxes. Another act was passed by the legislature, in 1837, which his excellency believed, as he said, was “well calculated to improve the condition of the military establishment of the state;” but which, time and experience have shown, was exceedingly “well calculated” to make a bad matter worse; as every officer in the line declared it would, on hearing of its passage.

In 1838, the legislature passed a resolve, authorizing the governor to appoint commissioners to “report such a revision of the laws, for the organization and discipline of the militia, as they might deem expedient.” These commissioners—all good whigs—made the subject a summer’s work, at the

expense of the state ; and, in October, made their report to the governor. On the 23d of January, 1839, his excellency recommended it to the special attention of the two houses ; “ believing,” as he said, “ that it embodied the principles on which the militia of the commonwealth might be safely organized, and thus restored to the efficiency and public favor of its best days.”

And what was that report ? It may be said, perhaps, that it is useless to discuss the provisions of a bill that has been set aside by the legislature ; but it certainly is important, that every friend of the militia should know what has been the course of the executive and the dominant party of the state, in reference to it ; and it is by no means certain that the same bill will not be pressed upon the attention of the next legislature.

The bill provided for the appointment of one judge advocate for each brigade—TO HOLD HIS OFFICE DURING THE PLEASURE OF THE GOVERNOR AND COUNCIL—who should have EXCLUSIVE JURISDICTION of all complaints made by clerks of companies, for the recovery of fines. These judge advocates were to have received four dollars a day each, from the treasury of the commonwealth, for every day on which they held courts, and one dollar for every ten miles’ travel,—their *accounts to be approved by the governor*. No appeal from the judgment of the judge advocates was to have been allowed the defendants, “ unless the forfeiture adjudged exceed ten dollars, exclusive of costs ;” and for non-payment of the penalty awarded by the judge advocate, the defendant would have suffered six days’ imprisonment in the common jail. For neglects, there was a fixed fine, and in addition thereto, a property tax ; and in some cases a very great discretion, as to the penalty, would have rested with the judge advocate. These are some of the prominent points in the bill. They are extraordinary and novel to our government, and it is due to

the institution, that they be examined. I have to regret, especially, that the limits of the occasion will permit me to offer only a few general remarks upon them.

It may be objected, first, that these judge advocates were entirely unnecessary; that there are now justices of the peace in every part of the commonwealth, better qualified for acting upon these cases,—because generally men of experience in judicial matters,—than the young men who would probably have obtained those appointments. There was, therefore, an objection that it would have multiplied state officers, increased “executive patronage” and the state expenses, without promoting justice or the convenience of the people. But this objection is light, compared with those which may be urged, to the tenure by which these judge advocates were to have held their commissions, and the powers with which they were to have been clothed.

One of the prominent grievances set forth in the declaration of our independence, was, that the king had made judges dependent on his will alone, for the tenure of their offices, and payment of their salaries; and the framers of our constitution greatly feared that the judiciary would be under executive influence. Hence, the judges were made independent of the executive. Unfortunately, in avoiding one error, they fell into the opposite, in making the judges irresponsible to the people through the life tenure of their offices—impeachment being merely a nominal affair—but, however that may have been, the idea was to separate the departments, and make the judiciary independent of the executive; and it was so made by the thirtieth article in the bill of rights—to the end that our government might be one of laws, and not of men. This bill, however—recommended by Governor Everett—would have passed the barrier which the Constitution has set up, and blended executive and judiciary. It would have made the commander-in-chief of the militia—the executive of

the laws—the judge and avenger of all those charged with having neglected to comply with his commands. Holding their commissions at the will of the executive, obtaining their salaries only by his approbation, and responsible alone to him, the judge advocates would have been at liberty to pass no judgment other than his own. The bill would have created a class of officers entirely inconsistent with our Constitution, and expressly repudiated by the article to which I have referred. It would have joined the sword with the ermine, concentrated the powers of trial, judgment and execution, in the same hands. Trace the history of legislation in our commonwealth, ever since the Constitution was adopted, and it presents no instance of the creation of offices to be filled by men clothed with similar powers, holding their commissions by such a tenure. Justices of the peace, appointed for seven years, are not removable except by address of both houses of the legislature; and no militia officer, says the law, shall be discharged by the commander-in-chief, unless upon his own request except in certain specified cases, and for good cause. But here were to have been judges—men clothed with supreme judicial authority—removable without reason alleged; mere staff officers of the commander-in-chief, who, neither under the laws of the United States, or of any state in the union, were ever allowed to sit as members of a court-martial. Under such a military despotism, in times of high party excitement, who could have hoped or expected an impartial administration of the laws? And yet, this is the system which his excellency assured the legislature, “embodied the principles upon which the militia of the commonwealth might be safely organized, and thus restored to the efficiency and public favor of its best days.”

So much, hastily, in regard to the tenure by which these judges were to have held their offices. A word or two as to the power and discretion proposed to be conferred upon them.

Suppose that bill a law under the present state administration, and suppose a poor invalid brought before one of the judge advocates, charged with neglect of duty, with but little notice of his trial. From inadvertance, ignorance, inability or some one of many causes, he did not procure a certificate of his infirmity ; he is known to the judge advocate as a democrat, and, to his failure to do military duty, is added the supposed crime of political heresy ; he asks a continuance, to enable him to substantiate the facts set up in his defence ; the law says, a continuance shall be granted—"if justice requires it ;" but that same law leaves it to the judge advocate to determine whether or no justice do require it, and he decides that it does not ; for he has orders from the commander-in-chief to execute the laws rigorously, and get all the fines possible, since the state treasury is bankrupt. In vain does the defendant plead for an impartial hearing. No appeal is allowed him, for the fine is less than ten dollars ; the judge advocate is inexorable, and the poor man must submit, and go to jail ! while, perhaps, his family are depending upon the rewards of his daily labor for their daily subsistence. Here is another feature of that system, which was recommended by the Governor, as sure to restore the militia to the favor of its best days. Besides, the bill set up a distinction between the rich and the poor, in the right of appeal. The principle of property fine, for neglect to do military duty, is undoubtedly a correct one, if so incorporated in the law as to compel the rich man to enter the ranks and serve the commonwealth with his poor neighbor ; but certainly not as a means of enabling him to escape military duty. Such, however, would have been the effect of the principle as embodied in this bill.

Suppose two men, one rich and the other poor, adjudged by the judge advocate guilty of neglect to attend an inspection, under precisely the same circumstances. Judgment is rendered against the

former for twenty dollars, and the latter for four dollars. So far, the law is right; but why should the right of appeal be allowed the one and denied the other? Is it not most manifest, that the rich man would take the benefit of an appeal, and, in two cases out of three, get the judgment reversed on the appeal? The chief argument of the attorney general, in his report against appeals on matters of fact, in criminal cases, is the chances of escape it affords the guilty, at the second trial. And would the chances be less in military cases? Certainly not. Thus, while this bill professed to impose an additional burden upon the man of property, it really would have had a tendency to exempt him from the performance of all military duty.

As a friend to this institution, never was I more rejoiced than when I learned that the democratic members of the legislature had succeeded in defeating that bill. I was rejoiced that there were a few whigs left, who were not so lost to all sense of right and justice, as to vote for it on its final passage. Yet, hardly was that bill defeated, when an injustice was inflicted upon the institution, scarcely less than would have been by the passage of the bill itself. I refer to the repeal of the law making the allowance of five dollars each to the members of volunteer corps. Every reason which would have applied for granting the allowance, when it was originally granted, would have applied, with even greater force, for continuing it. No excuse has been offered, or can be offered, as I conceive, for withdrawing this allowance, except that our state treasury is bankrupt; and it has been made bankrupt through the mismanagement of the state administration.

Such is, briefly, the history of the legislation of our commonwealth, during the last eight or ten years, in reference to this once honored, now oppressed institution. There is now, in fact, no militia organization in the state. The organization of the

standing companies being merely nominal ; and the light corps, artillery and cavalry being only a voluntary organization, may be surrendered up at any time. For the organization of these latter corps, and the protection they afford to the lives, liberty and property of our citizens, we are entirely indebted to the patriotic efforts of the young men who compose them.

This is not the place or the occasion to devise a system for the organization of the militia. But if men to whom it belongs to do so would set about it, there would be no difficulty in its accomplishment. There should be no exemptions on account of profession or calling ; all should be placed upon the same footing, and required to perform equal service ; there should be a property fine in addition to the ordinary penalty ; there should be no imprisonment for the non-payment of fines, but the amount should stand good against the delinquent, as any other tax. There is no good reason why a man should be imprisoned for the non-payment of a militia fine any more than for the non-payment of a highway or other tax ; and there is no more justice in imprisoning a man for the non-payment of either of these, than for the non-payment of a debt due an individual. Imprisonment always implies that the prisoner has committed a crime. Now the statute nowhere declares the non-performance of military duty a crime. It is a neglect to render a service which a man owes the state, and is so expressed in the statute ; the non-payment of a note is a neglect to render service which one man owes another ; and in both cases excuses are taken. The law has made a very important distinction between the non-performance of military duty, and offences against the commonwealth. In the former case, the commonwealth takes the property of the defendant by distress warrant, precisely as in the case of any other debt ; in the latter case the law has made no such provision. Imprisonment is the alternative for punishment.

I complain of Governor Everett, then, that, as commander-in-chief of the militia of the commonwealth, having attended brigade and other parades, and had opportunity to observe and know what was required to raise the militia to its former standard, he has recommended no alteration in the law suited to the public wants ; but, on the contrary, has recommended a system which, had it been adopted, would necessarily have destroyed the efficiency of the institution and rendered it more odious than ever ; that while his lips were yet redolent with professions of abhorrence for imprisonment for debt, he has recommended imprisonment for debt in militia cases ; and that, finally, while professing the most sincere regard for the well-being of the militia, he has approved a bill, passed by a very small majority of the two houses, taking away the only countenance and encouragement the law afforded the active and efficient portion of the institution.

Besides, if we turn to that part of his excellency's last message which relates to the absorbing license question, though we read half a newspaper column which he has devoted to the question, we shall be at as much loss, I think, to determine what is his honest opinion of the measure, as if he had written nothing. It is worthy of note, how nicely he holds in his hand the balance, and dropping a sentence in this scale for the law, and a sentence in that against it, and so on alternately, weighs out his opinion to either party to the controversy.

So of the state expenses. His excellency knew they had nearly doubled under his administration ; that the treasury was ruinously bankrupt, and that the only effectual way to relieve it was by a state tax, and the most rigid economy in future. Yet, instead of recommending the abolition of useless offices, or any other practical measure of retrenchment, he merely intimated the expediency of a change in the existing system of taxation ; and without devising and reasoning out, or even suggesting, any better system, left the famishing treas-

ury to find relief in money borrowed upon the public credit, to be paid only when his administration shall be known among the things that were. The useless officers were all spared ; nay, the corps was increased ; and but for the unwearied efforts of the democratic members of the legislature, would have been greatly increased—certainly with no other visible intent, than to add to the number of active partizans in the whig cause. At the same time, a great portion of the expenses of the state government has been shifted to the counties. Not a dollar is to be saved to the people, in the aggregate, by the change ; and no valid reason can be offered for making it, other than that it will enable the whigs to declare, with a show of plausibility, pending the next election, that the state expenses have been reduced !

Such has been the policy of the administration of Governor Everett. Did the occasion permit, I should ask your attention to other of its leading characteristic measures ;—to the recent movement of the attorney general toward the abolition of trial by jury, and especially to the earnest endeavors of the leading whig members of the legislature to sell every man into slavery, who may be so unfortunate as to be compelled to ask pecuniary aid from his town. Against them all the most weighty objections must exist in the mind of every patriot and philanthropist. The idea upon which they proceed, is the idea of Hamilton and the old federal party, that there are naturally and necessarily two classes in society—one to govern and the other to be governed—and that the doctrine of the social and political equality of the people is inconsistent with the order of humanity. Against this idea, democracy objects and humanity itself protests. It cannot, therefore, be approved by the people.

Now suppose we contemplate the other side of the picture. How is it with the complaints the opposition have made, during the last three years,

and are still making against the democracy of the country and the administration of its choice? Are they not unreasonable, unjust, and often insincere? Will they also stand the test of an examination by the standard of truth and justice?

At the time of their rebellion on account of postage, the whigs did not complain of the law which required specie for dues to the government, but of those who administered the law; that they did not violate its obvious, manifest, positive requirements, by taking a currency which they were expressly forbidden to take. They asked government officers, not only to subject themselves to impeachment, on their account, but to hazard their own private estates and the property of their bondsmen; for who doubts that the men who demanded of the officers of the government to take an irredeemable currency, on pain of having the post offices pulled down about their ears, would then have demanded their impeachment for having taken it? And the law would have held them and their bondsmen to make good the depreciation.

They complained that specie could not be obtained in sufficient amount to pay government dues—that the thing was impossible; and they called upon Congress to create another currency for the purpose—to charter a national bank, and make its bills a tender for government dues. When Congress assembled at the called session, the banks had not resumed; the demands of the merchants had been so great and the complaints from the debtor class so numerous and so often repeated, that every democrat in Congress was disposed to yield to their entreaties and to afford all the relief consistent with the Constitution. They, therefore, extended the time of payment of the merchants' bonds, and granted the same relief to the banks, to enable them also to relieve their debtors, and ultimately to pay the government, without causing distress.

In consequence of having granted this relief to its

debtors, it became necessary that the government should borrow money to meet its own obligations, and to maintain the national credit. There were two ways open to borrow money, constitutionally :—first, on government notes with interest, which should be transferable, and might be used as the currency demanded to pay debts to the government, and second, on other notes or securities, not transferable, which could not be used in payment of debts to the government. Those who come after us, curious to know the history of parties, may inquire which of these two methods the whig members of Congress, who had been among the foremost in demanding a new currency, now advocated and voted for ; and the records of Congress will give the surprising answer, that, to a man, they opposed creating the currency they had demanded.

While the opposition were assembled by thousands in the old cradle of liberty, threatening revolution—resolving to take the government into their own hands, “*peaceably if we can, forcibly if we must*”—denouncing even our form of government as “*the worst upon the face of the earth*”—did the mower leave his scythe and the reaper his sickle, or the mechanic the implements of his toil, and join in the rebellion? Did the bold and sinewy yeomanry, the industrious mechanics, the laboring men, the creators of wealth—men who deserve to be privileged, if privileges are ever conferred on any men—did they complain against the government which our fathers set up in the declaration, and sacrificed property and life permanently to establish? No! There was not a voice of complaint to be heard from the fields of the husbandmen. The farmers relied not upon the government or upon the banks for favors, but upon the good providence of God. While the panic spread dismay among the debtor class, they stood firm as the hills ; “they planted their crops, and hailed the storm and the calm as equally commissioned to bless them ; and they were

answered in the sunshine and in the shower ; their flocks sported in gladness through their smiling fields ; their harvests were ripened, their granaries filled." They asked for no privileges, would deprive none of their property or their rights ; they asked only to be secure in the enjoyment of their own ; they walked behind their ploughs ; " but the conqueror, in his triumphal procession, never walked in a path more glorious." The mechanic toiled on, relying upon the slow but sure rewards of his industry, and as confidently upon the justice of that administration that had been placed in power by the voice of the people. It was in these men, that in this trying hour, the government put its reliance ; and the government was triumphantly sustained. What had monopolists and speculators—traffickers in the articles these laborers had created—done, that they should be privileged ? Nothing—manifestly nothing ! Yet, as Hamilton, in 1787, issued a treasury order directing the receipt of paper money, at the treasury, in violation of law, under his favorite theory of corrupting men, so now, they demanded of the secretary of the treasury to do the same thing for their especial benefit.

They complain that the government does not do this, and that it does not do that. Is there a dearth in the money market ? It is the fault of the government, and its duty to make money plenty. Is there a redundancy in the currency, and, consequently an over-importation,—a factitious price put upon stocks, and a monopoly of the necessities of life, in a few hands ? That, too, is the fault of the government, and the government must create a great bank, to regulate and restrain the issues of all the lesser ones. Have individuals, in their haste to be rich, engaged rashly in speculations, assumed obligations beyond their ability to perform, and become overwhelmed with embarrassment ? It is all owing to the government—the removal of the deposits, the specie circular or the sub-treasury. Is trade at a

stand ? It is the fault of the government ; and, of course, its duty to set trade in motion ;—how this is to be done, they do not tell. Is the season adverse, are crops short, and provisions dear ? It is “the foolish policy of this wicked administration, that has caused it all.” The government should have employed Mr. Espy to send down his showers, and supply what God and the elements refused. It is the government that must provide a remedy for all evils, whether of public or private character.

Now every man of common sense, who will reflect even only for a moment what our government is, will be struck with the absurdity of this whole doctrine of reliance upon government. In reality, every man in the community is a part of the government ; all are equally entitled to protection and benefits ; and if all were to rely upon government for aid what would be gained in the aggregate ? When, however, the opposition complain against the government, they have reference only to the president ; who, as every body knows, is but the executive power—a mere agent of the people chosen to faithfully execute the laws, and to preserve, protect and defend the Constitution of the union ; which Constitution, as we have seen, is based upon the broad principle of equality of rights. But the complaint is not, in fact, that the laws are not faithfully executed ; it is that the government will not pursue a line of policy which would give one class of men a privilege above the rest ; in a word, that it will not do that which the Constitution forbids. The president is an effectual guard against the introduction of that policy. Manifestly unjust, as is the principle it involves, it is what the opposition expect of every public officer. Some men elected to office, by them, occasionally avow it as their rule of conduct ; others uniformly practice it, without ever making the avowal. But a year or two ago, he who now addresses you heard one of our senators in Congress declare in his place, on the floor of

the senate, that he voted against the tariff law of 1828, merely because, while it imposed a heavy duty on woollen manufactures, it imposed also a duty on the raw material, which neutralized its effect ;—thus admitting that the principle upon which he legislated was to benefit a particular class—the woollen manufacturers—and not to benefit the wool-growers also ; and the other, it appears, has been retained anew, for a valuable fee, by the aristocracy of the country, as their special advocate in his official character.

Fellow citizens and friends : as a portion of the democracy of Massachusetts, an important duty is before you. You see that the whig party of to-day is identical with the federalism of 1812 ; you see it in full possession of every department of our state government ; you know that it controls all our principal institutions of learning ; that three fourths of the press, and most of the tremendous influence of the banks are at its command ; you see the judiciary extending its authority, surmounting every barrier which the Constitution has placed around the rights and liberties of the people, and setting up its authority above the Constitution itself. You have seen a long session of the present legislature brought to a close without leaving any record upon the statute-book to claim the thanks of the people, or even the most trifling monument in the shape of legislative amendment or improved institutions ; you see the executive, while condemning with his lips the theory of the spoils system, carrying out that system in practice to the fullest extent ; you see our state treasury bankrupt, with no prospect of relief other than by a direct tax upon the people, and some of our dearest institutions falling into neglect and decay ;—you know that the policy of the whigs is bad—that a National bank is a public grievance, the use of the public money, whether by banks or individuals, a violation of the Constitution ; that a protecting policy robs one portion of the people without even benefiting the other to the full amount taken ; you

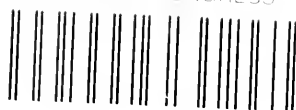
know, also, that a majority of the people of our state are democratic ; for, to doubt their democracy is to doubt their intelligence—since intelligence and democracy always go hand in hand ;—all this you perceive and know, and you must, therefore, believe that, if you can get a fair and full expression of the opinions and wishes of the whole people of the commonwealth, it will be in favor of the democratic candidates.

It therefore behooves every member of the democratic party to aid, to the utmost of his ability, in the dissemination of correct political information throughout the state ; to circulate democratic newspapers, encourage political discussions, interest and engage all those in the good work who now stand aloof from the contest and feel indifferent as to its issue, and to organize and act in concert and with efficiency on the day of trial ;—above all, to inspire a spirit of independence in those who refrain from voting, through fear of federal proscriptiveness. Let this be done, and neither by panics, nor surprises, nor deceptions, nor stratagems, will the combined opposition be able to postpone to a period beyond the next election, the glorious consummation of our hopes, when Massachusetts shall be emancipated from federalism and take her stand beside the democratic states of the union.

Regarding human progress as certain, and considering what advances have been made in the science of government, within a few years, I confidently believe, that, the day is not far distant, when the whig party shall be but a memory, and when the most anxious endeavor of every aspiring young politician, will be to prove that he is not descended from those who co-operated with it, as it is now the endeavor of many to prove that their fathers had no share in the Hartford convention ;—when liberal and correct principles shall pervade every part of our country, and the genius of democracy shall animate every soul in the land. Then will the stand-

ard of public morality in our commonwealth be raised to that of EQUAL JUSTICE, and “all will unite with all, in requiring justice for all, and no more than justice for themselves, and the sovereignty of justice will be established, and the voice of the people become, without a paradox, the voice of God.”

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